

House Study Bill 20 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act relating to the legal sufficiency review of and
2 notification procedures for complaints filed with the Iowa
3 ethics and campaign disclosure board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68B.32B, subsections 5 and 6, Code 2013,
2 are amended to read as follows:

3 5. After receiving an evaluation of the legal sufficiency
4 of the complaint, the chairperson shall ~~refer the complaint to~~
5 ~~the board for a formal determination by the board of~~ determine
6 the legal sufficiency of the allegations contained in the
7 complaint.

8 6. If the ~~board~~ chairperson determines that none of the
9 allegations contained in the complaint are legally sufficient,
10 the complaint shall be dismissed. The complainant shall be
11 sent a notice of dismissal stating the reason or reasons
12 for the dismissal. A copy of the complaint and the notice
13 of dismissal shall also be sent to every board member. If
14 a copy of the complaint was sent to the subject of the
15 complaint, a copy of the notice shall be sent to the subject
16 of the complaint. If the ~~board~~ chairperson determines
17 that any allegation contained in the complaint is legally
18 sufficient, notice of the legal sufficiency shall be sent
19 to the complainant, the subject of the complaint, and every
20 board member and the complaint shall be referred to the board
21 staff for investigation of any legally sufficient allegations.
22 The board shall reconsider whether the complaint is legally
23 sufficient if a request to reconsider is filed with the board
24 by the complainant, the subject of the complaint, or a board
25 member within thirty days of the sending of the notice of
26 dismissal or investigation.

27 EXPLANATION

28 This bill relates to the legal sufficiency review of and
29 notification procedures for complaints filed with the Iowa
30 ethics and campaign disclosure board.

31 Currently, the chairperson of the Iowa ethics and campaign
32 disclosure board refers complaints to the board for a formal
33 determination on the legal sufficiency of the allegations
34 in the complaint. If all of the allegations are found to
35 be legally insufficient, the complaint is required to be

1 dismissed. If any of the allegations in the complaint are
2 found to be legally sufficient, the complaint is referred
3 to the board staff for investigation for probable cause
4 determinations.

5 The bill requires the chairperson of the board to make the
6 legal sufficiency determination on complaints. If a complaint
7 is dismissed, the bill requires notice to be sent to the
8 complainant and every member of the board. If a complaint
9 is referred to the board staff for investigation, the bill
10 requires notice to be sent to the complainant, the subject
11 of the complaint, and every member of the board. The bill
12 requires the board to reconsider whether a complaint is legally
13 sufficient upon a request made by the complainant, the subject
14 of the complaint, or a board member.